



**CITY OF MORGAN HILL  
17555 PEAK AVENUE  
MORGAN HILL, CALIFORNIA 95037**

**MORGAN HILL CORPORATION YARD COMMISSION**

**ACTION MINUTES**

**SPECIAL MEETING**

Morgan Hill Civic Center  
City Council Chambers  
17555 Peak Avenue  
Morgan Hill, California

Chairperson  
Vice Chairperson  
Commission Member  
Commission Member  
Commission Member

Roger Knopf  
Del Foster  
Greg Sellers  
George Panos  
Hedy Chang

**TUESDAY, DECEMBER 17, 2002**

**5:30 P. M.**

**CALL TO ORDER**

(Vice Chairperson Foster)

**5:30 P. M.**

**ROLL CALL ATTENDANCE**

**Present: Vice Chairperson Foster & Commissioners Sellers, Panos, & Chang Absent: Chairperson Knopf  
Staff present: Ashcraft, Dilles, Branco, & Evans**

**DECLARATION OF POSTING OF AGENDA**

Per Government Code 54954.2

**PUBLIC COMMENTS**

None

The Morgan Hill Corporation Yard Commission welcomes comments from all individuals on any agenda item being considered by the Commission. Please complete a Speaker Card and present it to the Secretary. This will assist the Board Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the Commission are limited to **Three Minutes**. We appreciate your cooperation. **NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

**BUSINESS:**

1. **MINUTES OF SEPTEMBER 11, 2002**

**Recommended Action:** Approve

Approved the minutes of September 11, 2002

2. **DISCUSSION OF CURRENT FUEL RECONCILIATION EFFORTS**

**Recommended Actions:** For information only

Bonnie Branco introduced Linda Evans, Director of Training for the School District, who has been working on the fuel reconciliation process. She indicated that she makes daily rounds of the pumps and logs information on a sheet. She then records this daily information on a monthly report and incorporates this into a yearly report. The report shows that the pumps passed a tightness test on 10/21, which is required by AB 989 for secondary tank testing. The alarm system on the tanks and the monitoring system worked properly. Ms. Evans indicated that she and the mechanics went to a hazardous materials handling course. In addition, the Fire Department inspected the tanks on 11/15 and determined that the tanks were properly calibrated. Further, she indicated that School District staff is getting ready for inspections, working on getting the year-end report done by 12/31, and working to get all updates in accordance with the law. She also reported that, on a weekly basis, beginning 3 weeks ago, the mechanics began checking for leaks.

3. **DISCUSSION OF ONE-THIRD/TWO THIRDS SPLIT OF LEGAL BILLS**

**Recommended Action:** For discussion

Staff presented a brief report, indicating that Vice Chairperson Foster had requested the arrangement where the City pays 1/3 and the School District pays 2/3 of the legal bills relating to the fuel leak clean-up be re-visited. Staff provided the minutes of the August 6, 2001, meeting in which the Commission agreed that the "start-up" costs for bringing the Sedgwick firm into the case be split as 50/50, not to exceed \$10,000. Bonnie Branco indicated that she believed the split was supposed to be 50/50 for all Sedgwick legal bills. Commissioner Sellers indicated that the Commission should get Chairperson Knopf's input on this issue. Ms. Branco indicated that there would be a lot more in legal costs as Sedgwick prepares for the upcoming trial.

4. **CLOSED SESSION**

**Conference with legal counsel concerning existing litigation**

**Authority:** Government Code section 54956.9(a)

**Case Name:** Morgan Hill Unified School district v. Minter & Fahy Construction et al.

**Case Number/Court:** Santa Clara County Superior Case No. CV 772368

**Attendees:** Special Counsel Keith Castro; staff: Bonnie Branco, Jim Ashcraft, & Jack Dilles

The Commission gave direction to the attorney regarding the upcoming trial.

5. **FUTURE AGENDA ITEMS**

**Recommended Action:** Discuss

None

**ADJOURNMENT** Adjourned at 6:30 P.M.; the next meeting to be scheduled

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

Following the opening of Commission business, the public may present comments on items **NOT** appearing on the agenda that are within the Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Commission Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Commission. However, it is very helpful to the Commission if you would fill out the speaker card that is available on the counter in the Commission Chambers. Please fill out a card and return it to the Commission Secretary. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.